APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,550	04/26/2001	Raymond S. Bamford	ENSY-004	9238

22862 7590 07/28/2005		EXAMINER
GLENN PATENT GROUP		WOO, RICHARD SUKYOON
3475 EDISON WAY, SUITE L		

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 07/28/2005

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/843,550	BAMFORD ET AL.
	Examiner	Art Unit	
	Richard Woo	3639	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 May 2005*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1)   Applicant's amendments filed on May 18, 2005 have been entered.

2)   Applicant's arguments filed on May 18, 2005, with respect to rejection of Claims

1-8 and 17-24 under 35 U.S.C. 101 have been fully considered but they are not

persuasive.

Regarding Claim 1, although Claims 1-8 are directed to a computer-implemented

method (only in preamble of Claims), there is no significant claim recitation of the data

processing system (database, processor, etc.) or calculating computing device in the

Claim Body so as to show that the claimed method steps are electronically manipulated

by the data processing system, not by human interventions.

Regarding Claim 17, the computer program itself cannot be directed to a

practical application of the invention in the useful art to accomplish a concrete, useful,

and tangible result. When the computer program is actually <u>executed by the computer,</u>

the claimed subject matter produces a useful, concrete and tangible result. The

applicant is encouraged to include the above cited language in the preamble of the

Claim 17.

3)   Applicant's arguments, filed May 18, 2005, with respect to rejections under 35

U.S.C. 112 and 102 have been fully considered and are persuasive. The rejections of

all corresponding Claims has been withdrawn.

4)   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 101

5)   Claims 1-24 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

See Supra Response to Arguments.

Claim Rejections - 35 USC § 102

5)   Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker

et al. (US 6,754,646).

As for Claim 1, Walker et al. discloses a method comprising:

receiving the order (see Figs. 1B, 10B, 26A, 26B);

determining whether title to the goods passes directly from the manufacturer to

the buyer or through an intermediate e-market place (col. 20, lines 30-64);

displaying a price of the goods to the buyer based at least partially on the

determining step (see Fig. 20 for displaying the price of the goods).

As for Claim 2, Walker et al. further discloses the method, wherein a first pricing

regime is implemented when it is determined that title to the goods passes directly from

the manufacturer to the buyer (This is inherently true for all the direct transactions

between the buyer and manufacturers. Otherwise, the manufacturer will commit fraud

by not delivering the title to the buyer who paid for the goods. See Supra Figs. 10B,

26A, B).

As for Claim 3, Walker et al. further discloses the method, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19; col. 37, lines 15-30).

As for Claim 4, Walker et al. further discloses the method including the step of determining whether to discount a price (see Id.).

As for Claim 5, Walker et al. further discloses the method, wherein a discount is determined based on volume of a current order (see Supra column 37).

As for Claim 6, Walker et al. further discloses the method, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 7, Walker et al. further discloses the method including the step of determining whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 8, Walker et al. further discloses the method, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As Claim 9, Walker et al. discloses a computer having logic programmable to execute method acts, method acts comprising:

receiving the order (see Figs. 1B, 10B, 26A, 26B);

determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place (col. 20, lines 30-64);

displaying a price of the goods to the buyer based at least partially on the determining step (see Fig. 20 for displaying the price of the goods).

As for Claim 10, Walker et al. further discloses the logic, wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. 10B, 26A, B).

As for Claim 11, Walker et al. further discloses the computer, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19; col. 37, lines 15-30).

As for Claim 12, Walker et al. further discloses the logic programmable to determine whether to discount a price (see Id.).

As for Claim 13, Walker et al. further discloses the logic, wherein a discount is determined based on volume of a current order (see Supra column 37).

As for Claim 14, Walker et al. further discloses the logic, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 15, Walker et al. further discloses the logic programmable to determine whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 16, Walker et al. further discloses the logic, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As for Claim 17, Walker et al. discloses a computer program product comprising:

computer readable code means for receiving the order (see Figs. 1B, 10B, 26A, 26B);

computer readable code means for determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place (col. 20, lines 30-64);

computer readable code means for displaying a price of the goods to the buyer based at least partially on the determining step (see Fig. 20 for displaying the price of the goods).

As for Claim 18, Walker et al. further discloses the computer program product, wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the

manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. 10B, 26A, B).

As for Claim 19, Walker et al. further discloses the computer program product, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19; col. 37, lines 15-30).

As for Claim 20, Walker et al. further discloses the computer program product including the computer readable code means for determining whether to discount a price (see Id.).

As for Claim 21, Walker et al. further discloses the computer program product, wherein a discount is determined based on volume of a current order (see Supra column 37).

As for Claim 22, Walker et al. further discloses the computer program product, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 23, Walker et al. further discloses the computer program product including the computer readable code means for determining whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 24, Walker et al. further discloses the computer program product, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As for Claim 25, Walker et al. discloses a data processing machine programmed to perform operations, the operations comprising:

receiving the request for quote (see Figs. 1B, 10B, 26A, 26B);

determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place (col. 20, lines 30-64);

transmitting an electronic message representing a price of the goods to the buyer based at least partially on the determining step (see Fig. 20 for displaying the price of the goods).

Conclusion

7)   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2005/0010494 is cited to show online shopping system that shows a realistic assessment of prices by comparing prices among retailers against a Reference Price.

US 6,292,786 is cited to show a method for use in marketing includes receiving at a remote location through the Internet, substantially real-time product purchase information from a retail store in conjunction with an identification code of a customer purchasing the parts at a POS.

US 5,873,069 is cited to show a system and method for automatic updating and displaying the retail prices, including a pricing function for pricing and re-pricing products responsive to market prices changes.
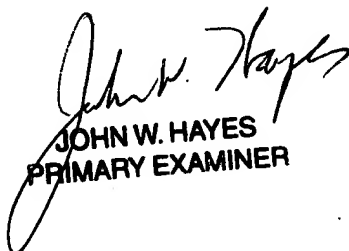
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 571-272-6813. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard Woo
Patent Examiner
Art Unit 3639
July 20, 2005

JOHN W. HAYES
PRIMARY EXAMINER